



KLAUBER &amp; JACKSON

ATTORNEYS AT LAW

CONTINENTAL PLAZA

411 HACKENSACK AVENUE  
HACKENSACK, NEW JERSEY 07601

COPY

COPY OF PAPERS  
ORIGINALLY FILED

STEFAN J. KLAUBER\*  
DAVID A. JACKSON  
STEVE S. CHA  
VALETA A. GREGG, PH.D.\*  
STEPHEN GIGANTE  
LAWRENCE D. MANDEL\*  
CATHERINE ROSEMAN SMITH\*  
JAMES E. PITTMAN\*

\*BAR OTHER THAN N.J.  
\*COUNSEL

## PATENT AGENTS

CHRISTINE E. DIETZEL, PH.D.  
MICHAEL A. YAMIN, PH.D.

## SCIENTIFIC ADVISOR

VERONICA M. MALLON, PH.D.

PATENT, TRADEMARK AND  
COPYRIGHT CAUSES

(201) 487-5800

FACSIMILE: (201) 343-1884

WWW.KJILAW.COM

email: info@kjiplaw.com

August 15, 2002

U.S. Patent and Trademark Office  
Box Sequence  
P.O. Box 2327  
Arlington, VA 22202

Re: U.S. Patent Application

Applicant(s): Wolfgang Liedtke et al.  
Title: VR-OAC, AN OSMOTICALLY ACTIVATED  
CHANNEL PROTEIN, NUCLEIC ACIDS ENCODING  
IT, AND USES THEREOF  
Serial No.: 10/027,828  
Filed: October 25, 2001  
Docket No.: 600-1-287N

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231 on August 15, 2002.

David A. Jackson, Reg. No. 26,742  
(Name of Registered Representative)

*Martha Bussanich 8/15/02*  
(Signature and Date)

SUBMISSION OF SEQUENCE LISTING

Sir:

Responsive to the Notice to File Missing Parts dated February 15, 2002, and in accordance with 37 CFR 1.821-1.825, Applicants submit herewith the following:

1. A paper copy of a Sequence Listing for insertion into the Application as filed at the end of the Specification and prior to the Claims.

COPY OF PAPERS  
ORIGINALLY FILED

U.S. Patent and Trademark Office  
August 15, 2002  
Page 2

Docket No.:600-1-287N

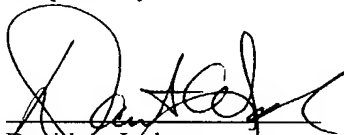
2. A copy of the Sequence Listing in computer readable form (ASCII text), submitted on a 3½" floppy disk compatible with IBM format.
3. A statement in support of the filing and submission of a Sequence Listing in accordance with 37 CFR 1.821 - 1.825.
4. A copy of the Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

The time set for this response is August 15, 2002.

Applicants request favorable consideration and entry of the Sequence Listing submitted herewith and further and favorable processing of the present Application.

Applicants hereby authorize that any charges in addition to the above authorized that relate to the filing and processing of the present Application in accordance with 37 CFR 1.16 and 1.17 may be charged to Deposit Account No. 11-1153. A duplicate copy of this letter is provided for this purpose.

Respectfully submitted,

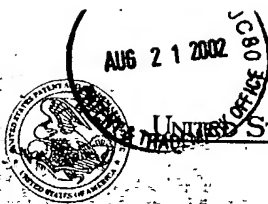


David A. Jackson  
Attorney for Applicant(s)  
Registration No. 27,742

DAJ/mb  
Enclosures

KLAUBER & JACKSON

H8



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/027,828	10/25/2001	Wolfgang Liedtke	600-1-287N

 23565  
 KLAUBER & JACKSON  
 411 HACKENSACK AVENUE  
 HACKENSACK, NJ 07601

CONFIRMATION NO. 2548

## FORMALITIES LETTER



\*OC000000007481327\*

Date Mailed: 02/15/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/23/2002 BABRAHA1 00000001 10027828

01 FC:205

65.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604

COPY OF PAPERS  
ORIGINAL FILED

203

(September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The following item(s) appear to have been omitted from the application:

- **Figure(s) 8A-8D** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

---

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Please type a plus sign (+) inside this box → ☒

COPY OF PAPERS  
ORIGINALLY FILED

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/027,828
	Filing Date	October 25, 2001
	First Named Inventor	Wolfgang Liedtke
	Group Art Unit	1642
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	600-1-287N

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Dec. and Power of Attorney, Copy of Submission of Sequence Listing, Preliminary Amendment
Remarks		Applicants claim small entity status.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David A. Jackson
Signature	
Date	August 15, 2002

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231 on this date: <u>August 15, 2002</u>		
Typed or printed name	Martha Bussanich	
Signature		Date August 15, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231